

**PROVIDENCE CITY COUNCIL MEETING**

**15 South Main, Providence UT**

**February 24, 2015 6:00 pm**

Call to Order: Mayor Calderwood  
Roll Call of City Council Members: Mayor Calderwood  
Attendance: B Bagley, Jeff Baldwin, R Call, J Drew, J Russell  
Pledge of Allegiance: Joseph Sena, Scout Troop No. 89

**Approval of the Minutes:**

**Item No. 1.** The Providence City Council will consider approval of the minutes of February 10, 2015 City Council meeting.

**Motion to approve the minutes with the following corrections: J Russell, second – J Drew**

- Page 1, correct Baldwin
- Page 2, change PC to Planning Commission
- Page 3, Line 20 – correct about
- Page 4, Line 28 add Randy Eck
- Page 5, Line 9-12, \$1200/month increasing 10% each 5 year term
- Page 6 - correct Baldwin
- Page 7 – correct Baldwin, comma after Call
- Page 8, line 8 employ not employee
- Page 8, Line 13 - misleading comments in the paper

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Excused: None**

**Abstained: None**

**Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- No public comments.

**Business Items:**

**Cache County Sheriff's Report:** Sheriff Chad Jensen, will report on the services provided by the Cache County Sheriff's Office.

- Chad Jensen, newly elected Cache County Sheriff (took office January 5<sup>th</sup>, 2015), addressed the council. Introduced himself, briefly reviewed departments and inmate capacity, including local, state and federal inmates. He has changed the patrol schedule in an effort to accommodate better coverage. He would like to facilitate contracts earlier in the year that are fair to both the Sherriff's department and the city. He would like to see yearly contracts, rather than 2 or 5 year contracts. There will be no more 10 hour patrols. The STAR deputy program will continue, with Deputy Barsuhn patrolling the city during the day. He should be checking in with the city/staff on an almost daily basis. His goal is to provide the best law enforcement agency possible.

**Item No. 1. Resolution 003-2015.** A resolution approving a land lease agreement with Verizon Wireless (VAW) LLC for a 35-ft x 35-ft parcel located in the city storage yard area adjacent to Alma H Leonhardt park (approximately 310 West 250 North).

**Motion to approve Resolution 003-2015 for Verizon Wireless Cell Tower: J Baldwin, second – J Drew**

- B Bagley had a question about how the rates were compounded.

- 1 • J Baldwin said the terms will increase every 5 years starting with a \$1200/month for the first 5
- 2 year term, the second 5 year term will be a 10% increase over the first 5 year term and the third
- 3 5 year term will be a 10% increase over the second 5 year term.
- 4 • S Bankhead asked how the council members felt about the counter offer that includes the
- 5 following points:
- 6     o Rent is \$1,200/month, Verizon pays no termination fee and a 25 year lease.
- 7     o City can terminate with 18 month notice after 15 years.
- 8     o 10% increase per term.
- 9     o City obtains sublease rights.
- 10 • R Call felt there should be some kind of index to escalate the rent.
- 11 • J Russell also preferred a 2% increase each year rather than 10% every 5 years.
- 12 • B Bagley and J Baldwin liked the 10% increase each 5 year term with renegotiations after 15
- 13 years.
- 14 • Mayor asked about the road getting back to the tower.
- 15 • N Garcia said Verizon will put the road in and build it to the city's specifications.
- 16 • B Bagley felt like it needed to be a good road since it will also be an access to the park.
- 17 • J Baldwin would like an option to review rate terms at the end of 15 years and not be locked
- 18 into the 10% per term increase.
- 19 • J Russell said at the end of 15 years the city can say they don't like the rates and Verizon can
- 20 either re-negotiate the rates or the city can ask them to leave.

21 **Motion to accept Resolution 003-2015 with the following changes: Rent is \$1,200/month with 10%**  
 22 **increase per 5 year term; Verizon pays no termination fee and a 25 year lease; City can terminate with**  
 23 **18 month notice after 15 years; City obtains sublease rights: J Baldwin, second – B Bagley**

- 24 • J Russell asked about the sublease rights language needs to be included.
- 25 • N Garcia read from the email paragraph 22 – sublease language *"LESSEE may sublet the*
- 26 *Premises within its sole discretion upon notice to LESSOR; provided, any tenant that may desire*
- 27 *to sublet space upon LESSEE's communication facility shall be required to lease separate ground*
- 28 *space directly from LESSOR for placement of any ancillary equipment at the Property in order*
- 29 *that LESSOR may have the opportunity to achieve a separate agreement with that entity related*
- 30 *to any associated use of LESSOR's property."*

31 **Vote: Yea: J Baldwin, B Bagley, J Drew**  
 32 **Nay: R Call, J Russell**  
 33 **Excused: None**  
 34 **Abstained: None**

35 **Item No. 2. Ordinance No. 2015-009.** The Providence City Council will consider for adoption a  
 36 temporary land use ordinance related to geologic hazards as defined in Utah Code Annotated 10-9a-  
 37 103(14).

38 **Motion to accept Ordinance No. 2015-009 dealing with geographic hazards: J Baldwin, second – J**  
 39 **Drew**

- 40 • S Bankhead said this is a temporary ordinance with 6 months to finalize it. After being on site,
- 41 the attorney felt there really is a potential for property damage, injury, etc. He felt the area
- 42 demonstrated a significant risk to life and property. This gives the city the ability to adopt this
- 43 temporary ordinance. We can refine it over the next few weeks. It will go through Planning
- 44 Commission and a public hearing, but for now this will protect current and future property
- 45 owners and the city. A final ordinance will be voted in later, but within the 6 months.
- 46 • R Call said there are a lot of places on the east side of the city where fill and unstable soils could
- 47 be a problem. This needs to be passed as there is an active problem right now.

- Mayor said this eliminates the liability of the city.
- J Baldwin felt it was also a safety issue for citizens who may be harmed by a slide.

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Excused: None**

**Abstained: None**

**Item No. 3. Ordinance No. 2015-007.** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations Chapter 4 Establishment of Districts and Chapter 6 Use Regulations that clarify the Public Use zone. In addition to uses in the Public Use zone, other Use Chart proposed amendments include adding upholstery, pet grooming, and making some changes in the utility and related services section.

**Motion to accept Ordinance No. 2015-007: R Call, second – J Baldwin**

- S Bankhead said this will also be before the council again. The planning commission wanted to see more information on bees and also review conditions for cell towers. Everything else is ready to go.
- B Bagley asked about having cell towers in public parks. He has a concern that we will end up with cell towers in residential areas.
- S Bankhead said this isn't being voted on tonight. Planning Commission wanted more time to consider cell towers. The city will have control over where cell towers go since the city owns the parks and the cell towers are by conditional use.

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Excused: None**

**Abstained: None**

**Item No. 4. Ordinance No. 2015-008.** The Providence City Council will consider for adoption an ordinance amending the Providence City zoning district(s) and zoning map by changing the zone of Providence City parks to Public Use (PUB) as follows:

Alma H Leonhardt Park, 310 West 250 North, AGR to PUB

Braegger Park, 300 East 300 South, SFT to PUB

Brookside Park, 450 North 100 East (38 East Spring Creek Parkway), SFH to PUB

Cattle Corral Park, 100 East 200 South, SFT to PUB

Hampshire Park, 285 West 575 South, SFT to PUB

Meadow Ridge Park, 251 South 325 West, AGR to PUB

Uptown Park, 100 East 100 North, CGD to PUB

Von Baer Park, 350 East Center, SFT to PUB

Zollinger Park, 61 North 200 West, CGD to PUB

**Motion to approve Ordinance No. 2015-008: J Russell, second – R Call**

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Excused: None**

**Abstained: None**

**Item No. 5. Ordinance No. 2015-003.** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 4 Chapter 1 Nuisances including but not limited to adding: Words, Terms, and Phrases; amending Duty of Maintenance of Private Property by adding requirements regarding ditches, waterways, and compost piles; amending Storage of Personal Property by adding: outdoor furniture restrictions, and unsheltered inoperable motor vehicle restrictions.

**Motion to change from action item to discussion item: J Drew, second – B Bagley**

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

1           **Nay:**           **None**  
2           **Excused:**       **None**  
3           **Abstained:**   **None**

4           • J Drew thanked Councilman J Baldwin for his work on this.  
5 Council took a 5 minute recess.

- 6           • R Call asked if a couple of council members could just combine the two drafts before any  
7           discussions took place. He felt it needed to be much simpler.
- 8           • J Russell felt the same way.
- 9           • J Baldwin had concerns about some of the rewrite from K Fife, he felt it was too restrictive.
- 10          • S Bankhead said there is an entire chapter on noise so she didn't think it should be discussed  
11          tonight.
- 12          • Mayor asked about smoke, 4-1-3, J Baldwin's rewrite.
- 13          • J Baldwin said this came out of Midway, UT where people have a lot of outdoor fires. He has a  
14          neighbor that burns outdoor fires on a regular basis.
- 15          • J Drew said the county has jurisdiction over this from an enforcement stand point.
- 16          • Mayor and B Bagley felt it would be difficult to enforce.
- 17          • S Bankhead – heat and associated glare from solar devices – state code restricts municipalities'  
18          ability to govern solar devices.
- 19          • J Drew said the verbiage “tends to depreciate or devalue surrounding property” is an important  
20          issue that needs to be included in the ordinance.
- 21          • R Call said there are also buildings falling down, cows and horses in Providence that aren't  
22          addressed in this and in his opinion those are bigger nuisances. He felt lot size was also  
23          something to consider.
- 24          • J Baldwin suggested maybe each council member needs to list what they consider a nuisance  
25          and start from that point.
- 26          • J Drew felt there needed to be a safety valve. People should be able to address why they are in  
27          violation of the ordinance.
- 28          • Mayor asked council to make their list of nuisances and then come prepared to discuss them. He  
29          would like them to consider K Fife's copy because he is looking at it from a legal point of view.
- 30          • J Russell also said personal rights need to be considered. Safety and health should be governing  
31          issues.

32 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 33          • S Bankhead: Randy Eck, Tara Bankhead, Rob Stapley and Danny Wiser are at the rural water  
34          conference in St. George, so Randy won't be reporting tonight.
  - 35                  ○ Financial statements for January were handed out to each council member. On our  
36                  website under Finance and Records, the reports are listed by month for public viewing.
  - 37                  ○ Reviewed general fund.
  - 38                  ○ Urban deer survey – this will go through the end of February. Reviewed the survey. She  
39                  would have liked to have more people respond, but so far only about 113 have  
40                  responded.
- 41          • B Bagley said regardless of the survey the ordinance needs to be in place.
- 42          • Mayor said if the game fence isn't fixed the deer will still keep coming down. The deer belong to  
43          the state and the state needs to be responsible for the deer.
- 44          • R Call said the deer fence is on private property, not state or city. The state said they will fix the  
45          fence.
- 46          • Mayor said the state has not been restricted by the property owners. They have permission  
47          from property owners to access and fix the fence.



1 **Council Reports:** Items presented by the City Council members will be presented as informational only;  
2 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting  
3 of this agenda and the City Council determines that an emergency exists.

- 4 • B Bagley – no report.
- 5 • J Drew – he would like to see local elected representatives and contractors regularly scheduled  
6 to be at council meeting so there is dialogue and a relationship created. He felt this could also  
7 get the general public attendance increased. Attended Saturday's town hall meeting and  
8 reported on that meeting where they discussed the transportation tax issue.
- 9 • S Bankhead reminded the Council that Utah League of Cities and Towns sends out an email daily  
10 about what is happening. She asked the council members if they are receiving those emails.  
11 Many of them are not. She will forward the emails on a daily basis.
- 12 • J Drew asked for the link so they can each sign up rather than having her forward emails daily.
- 13 • R Call – planning and zoning did a ride around of the city and in the process have proposed  
14 bringing a road off Cove onto Canyon Road. People living in Cove subdivision are upset by this.  
15 He felt this should come off the revised transportation plan.
- 16 • S Bankhead said this is on the agenda for planning commission tomorrow night as a public  
17 hearing.
- 18 • J Russell – no report.
- 19 • J Baldwin – no report.
- 20 • Mayor Calderwood:
  - 21 ○ Attended Saturday's legislative session. He does not feel that our local road  
22 maintenance issues are a primary concern for the Public Transportation Proposal. He  
23 suggested the council members contact Representative Curt Webb.
  - 24 ○ The interlocal between the six cities: It was proposed that the group and our attorney  
25 present our agreement to the Division of Water Quality staff - Walt Baker and his two  
26 engineers. Our attorney may feel we should follow the proper protocol. Walt's boss has  
27 been notified and talked to and it is appears she is receptive to the inter-local  
28 agreement with Logan.
  - 29 ○ Toured the city for optional piping routes for interlocal agreement with Nibley,  
30 Providence and Hyrum. Nibley is willing to negotiate a feasible approach which will  
31 benefit both cities. Working with Hyrum and Nibley is better than working with the six  
32 cities.
  - 33 ○ Public radon meeting tomorrow at Springcreek Middle School. Presented by Bear River  
34 Health.
  - 35 ○ SCWC now has notarized agreement plus an official change application to the state  
36 water engineer.

37 **Motion to close city council: J Drew, second – R Call**

38 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

39 **Nay: None**

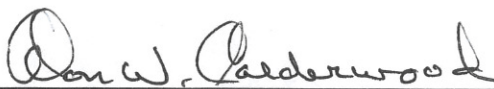
40 **Excused: None**

41 **Abstained: None**

42 **No Executive Session.**

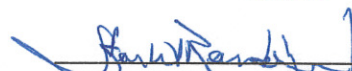
43 Meeting adjourned at 8:40 pm.

44 Minutes recorded by S Bankhead and prepared by C Craven.

45  
46 

48 Don W. Calderwood, Mayor



45  
46  
47 

Skarlet Bankhead, City Recorder

~~BARSH~~

BARSHN

Deputy



Cape Henry

in Maryland

# City Council Meeting

February 24, 2015

Please Sign In

Name

City of Residence

Chad J. Crew

Rowan Gail

CCSO

Providence

